

Counsel names and contact information are found on the signature pages.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

FUJITSU LIMITED and FUJITSU  
MICROELECTRONICS AMERICA,  
INC.,

Plaintiffs,

-against-

NANYA TECHNOLOGY CORP. and  
NANYA TECHNOLOGY CORP.  
U.S.A.,

Defendants.

NANYA TECHNOLOGY CORP. and  
NANYA TECHNOLOGY CORP.  
U.S.A.,

Cross-Plaintiffs,

-against-

KLA-TENCOR CORP.

Cross-Defendant.

Case No. 4:06-CV-06613 (CW)  
4:07-CV-03672 (CW)

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE**

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

WHEREAS Fujitsu Limited, Fujitsu Microelectronics America, Inc., Nanya Technology Corp. and Nanya Technology Corp. U.S.A. desire to dismiss this suit pursuant to a Settlement Agreement dated September 2, 2008;

NOW THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1) and (c), the undersigned parties agree and stipulate that:

1. The undersigned parties dismiss their claims and counterclaims against each other, with prejudice, except to the extent that KLA-Tencor Corp.'s Answer may be construed as asserting claims against Fujitsu Limited and/or Fujitsu Microelectronics America, Inc., KLA-Tencor Corp. dismisses such claims without prejudice; and

2. Each of the undersigned parties shall bear its own costs and attorneys' fees as between itself and the other undersigned parties.

AGREED TO:

Dated: September 5, 2008

\_\_\_\_\_/s/\_\_\_\_\_  
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MICROELECTRONICS AMERICA, INC.

1 Dated: September 5, 2008

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13 NANYA TECHNOLOGY CORP. U.S.A.

14 Dated: September 5, 2008

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27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

28 Dated: 9/5/08



HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

I, Chris L. Holm, counsel for Fujitsu, have authorization from Martin Fliesler, counsel for Nanya, and Robert Harkins, counsel for KLA-Tencor to sign and ECF-file this Stipulation on their behalf.

\_\_\_\_\_/Chris L. Holm/\_\_\_\_\_